

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM PAYNE,)	
)	
Petitioner,)	Civil Action No. 06-557
)	
v.)	Judge Alan N. Bloch
)	Magistrate Judge Caiazza
JAMES L. GRACE,)	
)	
Respondent.)	

MEMORANDUM ORDER

William Payne's Petition for Writ of Habeas Corpus was received by the Clerk of Court on April 27, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

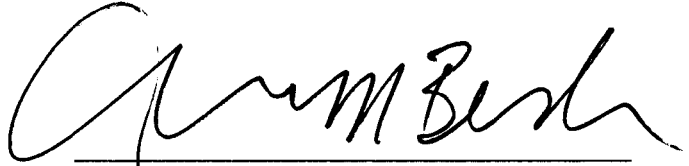
The Magistrate Judge's Report and Recommendation, filed on December 12, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Payne be dismissed as untimely filed. The parties were allowed ten days from the date of service to file objections, and the Magistrate Judge granted Petitioner Payne an extension of time until January 25, 2007, within which to file objections. Payne filed objections on January 23, 2007.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 5th day of March, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by William Payne is dismissed as untimely.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 12), dated December 12, 2006, is adopted as the opinion of the court.



Alan S. Bloch
U.S. District Court Judge

cc: William Payne
AJ-0386
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112